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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 JILL LEOVY, individually, and on behalf of all)
others similarly situated,)

17)
18 Plaintiff,)

19 v.)

20 GOOGLE LLC,)

21 Defendant.)
22)
23)
24)
25)
26)
27)
28)

CASE NO.: 3:23-cv-03440-AMO

**DECLARATION OF ERIC P.
TUTTLE IN SUPPORT OF
RENEWED ADMINISTRATIVE
MOTION TO CONSIDER
WHETHER CASES SHOULD BE
RELATED**

Judge: Hon. Araceli Martínez-Olguín

1 I, Eric P. Tuttle, declare as follows:

2 1. I am an attorney and a partner at the law firm of Wilson Sonsini Goodrich &
3 Rosati, P.C., counsel for Defendant Google LLC (“Google”) in this matter. I submit this
4 declaration in support of Google’s Renewed Administrative Motion to Consider Whether Cases
5 Should be Related. I have personal knowledge of the facts set forth herein and, if called as a
6 witness, I could and would testify competently thereto.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of the Complaint in *Zhang*,
8 *et al. v. Google LLC, et al.*, Case No. 5:24-cv-02531-EJD (“*Zhang*”), filed on April 26, 2024.

9 3. On June 28, 2024, I contacted Yana A. Hart of Clarkson Law Firm, counsel for the
10 Plaintiff in this *action*, to discuss the issues raised in this motion, among other things. On July 10,
11 2024, I received an email from Ms. Hart stating that counsel for Plaintiff in this action agree that
12 the *Zhang* and *Leovy* cases are related.

13 4. On June 28, 2024, I also contacted Christopher Young of Joseph Saveri Law Firm,
14 counsel for Plaintiffs in the *Zhang* action, to meet and confer about the issues raised in this *motion*.
15 Mr. Young responded via email on July 2, indicating that the *Zhang* Plaintiffs were still evaluating
16 the second amended *Leovy* complaint but at first glance it seemed entirely focused on language
17 models and copyrighted works by authors, as opposed to artists; but that they were amenable to
18 hearing why Google believed the cases should be related. I responded to Mr. Young on July 3
19 detailing why Google believes that the cases are related (consistent with the explanation provided
20 in the accompanying administrative motion), offering to discuss further, and asking Mr. Young to
21 provide the *Zhang* Plaintiffs’ position after further consideration. On July 9, 2024, Mr. Young
22 responded by email that the *Zhang* Plaintiffs would oppose relation, without further explanation.

23
24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct. Executed on July 11, 2024.

26 /s/ Eric P. Tuttle
27 Eric P. Tuttle
eric.tuttle@wsgr.com

28 *Counsel for Defendant* GOOGLE LLC

SIGNATURE ATTESTATION

I, David H. Kramer, am the ECF User whose ID and password are being used to file this document. In compliance with N.D. Cal. Civil L.R. 5-1(i)(3), I hereby attest that the concurrence in the filing of this document has been obtained from the other signatory.

By: /s/ David H. Kramer

David H. Kramer